4/6/66

Warren Report on Assassination Challenged Again

A now-declassified Federal Bureau of Investigation report is being used to mount new challenges to the Warren Commission finding that said Lee Harvey Oswald was the lone assassin of President Kennedy.

J. Lee Rankin, the commission's former general counsel, and Norman Redlich, who was his deputy, say the so-called "F.B.I. Summary Report" was evaluated and discarded during the inquiry. They contend the inquiry, headed by Chief Justice Earl Warren, relied on more direct and expert testimony.

The issue is whether a single bullet passed through President Kennedy's body and then wounded Gov. John B. Connally Jr. of Texas. The critics suggest it had to be a separate bullet that wounded the Texan, with the firing time for Oswald's bolt-action rifle so slow that there had to be a second assassin also firing.

On June 29 Viking Press is bringing out 15,000 copies of a book evolved from a Cornell University master's thesis, "Inquest," by Edward Jay Epstein, reprinting 36 pages of the F.B.I. report.

Holt, Rinehart & Winston is circulating a brochure on its plan to publish 30,000 copies Sept. 8 of a book "Rush to Judgment," by Mark Lane, for a time counsel retained by Oswald's mother.

The bureau's report is also being cited in a photo-offset book, "Whitewash," published personally in Hyattstown, Md., in 5,000 copies May 9 by its author, Harold Weisberg, former Senate Civil Liberties Subcommittee investigator.

It is to be mentioned in "The Oswald Affair," by Leo Sauvage, correspondent of Le Figaro, of Paris, due Sept. 6 from the World Publishing Company. It had first been described by a Philadelphia lawyer Vincent J. Salandria, in the April issue of the magazine, "The Minority of One."

These followed an Award Books paperback, "The Unanswered Questions about President Kennedy's Assassination," by Sylvan Fox, last city editor of The New York World-Telegram and Sun, out in 100,000 copies since October.

The bureau declines comment. But Mr. Rankin, now New York City Corporation Counsel, says he is "well satisfied that no valid attack has yet been made" on the commission report. He says he is confident that criticism will prove "superficial and without proper consideration of the material that's available to everybody in the [commission] report and the supporting volumes."

Mr. Redlich, now Executive Assistant Corporation Counsel says he has found nothing in the Epstein book or arguments he has yet seen on other points which would cause him to question commission findings.

Arlen Specter, now District Attorney of Philadelphia, who is credited with having developed the "single-bullet" hypothesis as the commission's assistant counsel says he has not yet seen the Epstein book. But he asserts the commission report is "solidly based on the evidence."

One statement in the bureau's "Summary Report," dated Dec. 9, 1963, says "medical examination of the President's body revealed that one of the bullets had entered just below his shoulder to the right of the spinal column at an angle of 45 to 60 degrees downward, that there was no point of exit, and that the bullet was not in the body."

The F.B.I.'s "Supplemental Report" dated Jan. 13, 1964, notes, "Medical examination of the President's body had revealed that the bullet which entered his back had penetrated to a distance of less than a finger length." The F.B.I. documents are in the National Archives in Washington.

Report of Autopsy

By contrast, the report of the autopsy performed Nov. 22, signed by three military surgeons, says the bullet had "entered the right superior posterior thorax about the scapula," traversed soft tissues, produced contusions on a lung and neck muscles and "made its exit through the anterior surface of the neck."

That is, it made entry in the upper back, five and a half inches below the right shoulder joint tip, and came out the front of the neck.

The clinical summary notes the autopsy had been followed by telephone talk Nov. 23 with Dr. Malcolm Perry, a Dallas surgeon. This developed information that, in trying to save the President's life, "a tracheostomy was performed by extending" what had been a small wound of "the low anterior neck."

Mr. Epstein, a 31-year-old New Yorker, now a Harvard doctoral student, asserts the assassination film indicates the President and Governor were both wounded within 1.8 seconds. So, he argues, "either both men were hit by the same bullet, or there were two assassins."

The evidence, he contends in his book, "indicates that the F.B.I. reports are not erroneous." He says two F.B.I. agents were present at the autopsy. He quotes testimony by two Secret Service agents that autopsy doctors "could not find a path for the bullet" through the President's body.

He offers a surgeon's diagram made during the autopsy and F.B.I. pictures taken of the President's jacket and shirt to contend a bullet entering the back would have had to turn upward to go out the neck.

In rebuttal, Mr. Redlich says the commission study used the actual reports of F.B.I. investigative agents, not just the summary. F.B.I. and Secret Service agents, he says, were laymen who heard and quoted surgeons' discussions going on during the autopsy.

The commission, Mr. Redlich says, used and printed the surgeons' final conclusions in their autopsy report, supplemented by the surgeons' own testimony.

Exhibit Is Cited

He cites Commission Exhibit 903 to reconcile the diagrams and the clothing holes with the "single-bullet" theory and the assassination film. This depicts a reconstruction of the assassination, made in Dallas.

A double for the President is described as at an angle of

He said he was driving alone at night on a Rome street when he saw a standing automobile and a man lying on the ground. On walking over to see if he could help, he said, he was pushed inside the car.

21 degrees, 34 minutes, to a rifle pointing from the sixth floor of the Texas School Depository. A downward line for a bullet passing through the President's back and out past his tie to wound the Governor is indicated at 17 degrees, 43 minutes, 30 seconds, allowing for downward street slope.

Mr. Epstein's book describes the commission's operations. In part, it cites interviews with five of the seven commissioners, although not Justice Warren, and 10 staff members. It also cites working papers from a former assistant counsel, Wesley J. Liebeler.

Mr. Epstein concludes the commission offered "ample proof that shots had come from the Depository," although he held this "did not exclude" other shots "from a different source."

He says some one else might have used Oswald's rifle, but asserts Oswald's "leaving the scene, shooting a policeman and resisting arrest certainly were not the actions of an innocent person."